

App. Serial No.: 10/092,933
Atty. Docket No.: 0003-029

REMARKS

These remarks are in response to the Office Action dated January 14, 2008, which has a shortened statutory period for response set to expire April 14, 2008. A three-month extension, to expire July 14, 2008, is requested in a petition filed herewith.

Claims

Claims 1, 2, 4-9, 12-15, 17, 22, 26-28, 30-35, 37-42, 45-56, and 58-67 are pending in the above-identified application. Claims 1, 2, 4-9, 12-15, 17, 22, 26-28, 30-35, 37-42, 45-56, and 58-60 are rejected over prior art. Claims 61-67 are withdrawn by the Examiner as being directed to a non-elected invention. Claims 1, 7, 14, 22, 26-28, 30-33, 45, 53, 54, 56, and 58-60 are amended. Claims 3, 10-11, 16, 18-21, 23-25, 29, 36, 43-44, and 57 are canceled. Claims 2, 4-6, 8-9, 12-13, 15, 17, 34-35, 37-42, 46-52, 55, and 61-67 remain as originally filed or previously presented. Reconsideration is requested.

Election / Restrictions

Claims 61-67 are withdrawn from consideration by the Examiner as being directed to a non-elected invention.

Applicants respectfully traverse.

Claim 61 was added to accept subject matter indicated to be allowable in the prior office action. In particular, Claim 61 was added to combine the limitations of indicated allowable Claim 42, base Claims 34, and intervening Claims 40 and 41. Therefore, Claim 61 is directed to an invention that was previously claimed, searched and considered, and would not require different search and consideration.

Claims 62-67 depend, either directly or indirectly, from Claim 61 and are similar to prior dependent claims 35-39.

For at least the foregoing reasons, Applicants respectfully request rejoinder and allowance of Claims 61-67

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Rejections Under 35 U.S.C. § 103

Claims 7-9, 12-15, 17, 22, 26-27, 48-53, 55, 56, and 60 are rejected under 35 U.S.C. § 103 as being unpatentable over Haessig in view of admitted prior art.

Claims 7-9, 12-13, and 48-50

As indicated in the interview summary set forth above, the Examiner and Applicants' attorney collaborated to develop specific claim language to overcome the rejections over Haessig in view of admitted prior art. As amended herein, Claim 7 now includes the agreed upon language. Therefore, withdrawal of the rejection of Claim 7 is respectfully requested. Claims 8-9, 12-13, and 48-50 depend either directly or indirectly from Claim 7 and are, therefore, distinguished over Haessig in view of admitted prior art for at least the same reasons as Claim 7.

Claims 14, 15, 17, 51-52

As amended herein, independent Claim 14 now includes the language agreed upon to overcome the rejections over Haessig. Claims 15, 17, and 51-52 depend, either directly or indirectly, from Claim 14 and are, therefore, distinguished over Haessig in view of admitted prior art for at least the same reasons.

Claims 22 and 55-56

Claim 22 is a method claim. As amended herein, Claim 22 now recites (in part): "preassembling said flow control unit" and "installing said preassembled flow control unit in an HVAC system." The added language is similar, but not identical, to the agreed upon language added to the device claims. However, the added language clarifies that the flow control unit is preassembled and then installed in an HVAC system. Therefore, Claim 22 is distinguished over Haessig in view of admitted prior art for at least the reasons provided above with respect to Claims 7 and 14.

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Claims 26-27

Claim 26 is a method claim and is amended herein to now recite (in part): "preassembling said flow control unit" and "installing said preassembled flow control unit in an HVAC system." Claim 26 is, therefore, distinguishable over Haessig in view of admitted prior art for at least the same reasons provided above with respect to Claim 22. Claim 27 depends from Claim 26 and is, therefore, distinguished for at least the same reasons.

Claims 53-54

Claim 53 is a method claim and is amended herein to now recite (in part): "preassembling said flow control unit" and "installing said preassembled flow control unit in an HVAC system." Claim 53 is, therefore, distinguishable over Haessig in view of admitted prior art for at least the same reasons provided above with respect to Claim 22. Claim 54 depends from Claim 53 and is, therefore, distinguished for at least the same reasons.

Claim 60

As amended herein, independent Claim 60 now includes the language agreed upon to overcome the rejections over Haessig. Therefore, Claim 60 is distinguished over Haessig in view of admitted prior art.

Claims 1-2, 4-6, 28, 30-35, 37-42, 45-47, 53, 54, 58, and 59 are rejected under 35 U.S.C. § 103 as being unpatentable over Haessig in view of admitted prior art, and further in view of Noboru.

Claims 1-2, 4-6, and 46-47

As amended herein, independent Claim 1 now includes the language agreed upon to overcome the rejections over Haessig. Therefore, Claim 1 is distinguished over Haessig in view of admitted prior art, and further in view of Noboru. Claims 2, 4-6, and 46-47 depend, either directly or indirectly, from Claim 1 and are, therefore, distinguished for at least the same reasons as Claim 1.

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Claims 28, 30-33, and 58-59

Claim 28 is a method claim and is amended herein to now recite (in part): "preassembling said flow control unit" and "installing said preassembled flow control unit in an HVAC system." Claim 28 is, therefore, distinguishable over the cited prior art for at least the same reasons provided above with respect to Claim 22. Claims 58-59 and 30-33 depend, either directly or indirectly, from Claim 28 and are, therefore, distinguished for at least the same reasons.

Claims 34-35 and 37-42

Independent Claim 34 is not amended. Applicants respectfully aver that Claim 34 is patentable over the cited prior art, because Claim 34 claims a system of two flow control units for controlling the flow of air into and out of a room in combination with a mutual control unit. The cited prior art does not disclose these features of Claim 34. Claims 35 and 37-42 depend, either directly or indirectly, from Claim 34 and are, therefore, allowable over the cited prior art for at least the same reasons.

Claim 45

Claim 45 depends from Claim 22 and is, therefore, distinguished over the cited primary reference for at least the same reasons provided above with respect to Claim 22.

Claims 53 and 54

Claim 53 is a method claim and is amended herein to now recite (in part): "preassembling said flow control unit" and "installing said preassembled flow control unit in an HVAC system." Claim 53 is, therefore, distinguishable over the cited prior art for at least the same reasons provided above with respect to Claim 22. Claim 54 depends from Claim 53 and is, therefore, distinguished for at least the same reasons.

For the above reasons Applicants request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

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For the foregoing reasons, Applicants believe Claims 1, 2, 4-9, 12-15, 17, 22, 26-28, 30-35, 37-42, 45-56, and 58-67 are in condition for allowance. Should the Examiner undertake any action other than allowance of all pending claims, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicants' attorney at (269) 279-8820.

Respectfully submitted,

Date: 7/14/08

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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (571) 273-8300.

Date: 7/14/08
Larry E. Henneman, Jr.